

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EZEQUIEL RODRIGUEZ PENA
TDCJ-CID #1140649

V.

DOUGLAS DRETKE

§
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§
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§

C.A. NO. C-05-353

ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at the James V. Allred Unit in Iowa Park, Texas (D.E. 1). Petitioner states that he was convicted in the 107th Judicial District Court, Cameron County, Texas.

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is located in the Northern District of Texas, Wichita Falls Division, 28 U.S.C. § 124(a)(6), and he was convicted by a court located in the Southern District, Brownsville Division, 28 U.S.C. § 124(b)(4).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Cameron County, it is more convenient for the action to be handled by the Southern District, Brownsville Division.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Brownsville Division. All pending motions are denied without prejudice, subject to reconsideration after this action is transferred.

ORDERED this 21st day of July, 2005.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE